

Appendix B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
Houston DIVISION

Latasha King

versus

Regency Integrated Health Services
101 W. Goodwin Ave, Ste. 600
Victoria, Victoria County, TX 77901

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CIVIL ACTION NO. _____

ORIGINAL COMPLAINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Latasha King
7422 Parkcraft Dr.
Missouri City, Fort Bend County, TX 77489

Versus

Regency Integrated Health Services
101 W. Goodwin Ave., Ste. 600
Victoria, Victoria County, TX 77901

WRONGFUL TERMINATION COMPLAINT

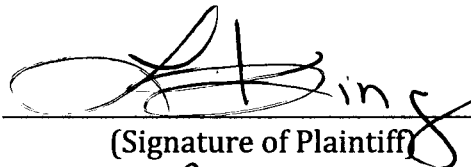
1. This Court has jurisdiction over this matter conferred by 42 U.S.C. § 2000e-5 (a) because Plaintiff and Defendant are citizens of different counties --- Plaintiff is a resident of Fort Bend County and Defendant's corporate office where complaint is being sent is in Victoria County --- the occurrence of the offense happened at Windsor Quail Valley Healthcare located in Fort Bend County.
2. Venue is proper in this Court under 42 U.S.C. § 2000e-5 (b) because the Defendant has a business in Fort Bend County, and its registered agent for service is in Victoria, Texas, in the Southern District of Texas.
3. The plaintiff has attached to this complaint a copy of the charges filed on October 11, 2018 with the Equal Opportunity Commission.
4. On the date of July 30, 2019, the plaintiff received a Notice of Right to Sue letter issued by the Equal Employment Opportunity Commission; a copy is attached.
5. I, Latasha King am filing this lawsuit for wrongful termination to seek relief from the employer who purposely placed extraordinary and unreasonable work demands

that subjected employee to disparate treatment and creation of a hostile work environment.

6. I worked for Windsor Quail Valley a post-acute healthcare facility located at 3640 Hampton Dr., Missouri City, TX 77489, for two years (07/6/2016 – 07/30/2018), when I began to experience disparate treatment from my supervisor, Veronica Leal. The supervisor began to cut my hours from the usual 8 hours per day to 4 to 6 hours per day after she was told not to cut my hours because of my status as an essential employee from a corporate regional coordinator.
7. The employer also required all managers to rotate and work half days on Saturday and Sunday as manager on duty, in exchange, we would have a day off during the proceeding week. My supervisor Veronica Leal placed a stipulation that no one was to ask for Monday or Friday off, but she did not follow this stipulation which was violated on a consistent basis. Minority employees including myself followed her stipulation, but other non-minority employees did not and were allowed Monday and Friday off.
8. During that time, the supervisor constantly treated me worse than other employees creating a hostile work environment, the supervisor wrote me up for incidents that either occurred when I was not at work or ordered me to perform duties of a vacant position that was higher in pay than my position.
9. I, Latasha King was finally terminated from the job on 07/30/2018, I applied for unemployment benefits which was granted for 6 months on the basis that no

determination could find any violations of my job duties on my part to deny claim.

10. The plaintiff request that the defendant be ordered to compensate the employee for lost wages, lost benefits, front pay, and any other relief, including injunctions, damages, and costs.


(Signature of Plaintiff)

Address:

7422 Parkcraft Dr.

Missouri City, TX 77489

Telephone:

713-414-8837

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Latasha King**
7422 Parkcraft Dr
Missouri City, TX 77489

From: **Houston District Office**
Mickey Leland Building
1919 Smith Street, 7th Floor
Houston, TX 77002



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

460-2018-04104

Shirley Almaguer,
Investigator

(713) 651-4907

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

Shirley Almaguer
 Rayford O. Irvin,
 District Director

July 30, 2019
 (Date Mailed)

cc:

Diana Trevino
HR Manager
WINDSOR QUAIL VALLEY
POST ACUTE HEALTHCARE
3640 Hampton Dr.
Missouri City, TX 77489

Christian Antkowiak, Esq.
Buchanan Ingersoll & Rooney, PC
301 Grant Street
One Oxford Centre
Pittsburgh, PA 15219

TWC-Civil Rights Division
Lowell Keig, Executive Director
101 East 15th Street, Room T 144
Austin, TX 78778

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:


If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)


IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 460-2018-04104	
Texas Workforce Commission Civil Rights Division and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Mrs. Latasha King		Home Phone (incl. Area Code) (832) 960-0698	
Street Address 7422 Parkcraft Dr, Missouri, TX 77489		City, State and ZIP Code 7422 Parkcraft Dr, Missouri, TX 77489	
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name WINDSOR QUAIL VALLEY		No. Employees, Members Phone No. (include Area Code) Unknown (832) 960-0698	
Street Address 3640 Hampton Dr, Missouri City, TX 77489		City, State and ZIP Code 3640 Hampton Dr, Missouri City, TX 77489	
Name 		No. Employees, Members Phone No. (include Area Code) 	
Street Address 		City, State and ZIP Code 	
DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 04-06-2018 07-30-2018 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). <p>I was employed by the above employer from 7/10/2016 until 7/30/2018 when I was terminated. My job title was Admission Coordinator, in which role I carried out a manager duty.</p> <p>I was subjected to disparate treatment and discrimination due to my race (Black) by the employer. The employer required all managers to rotate and serve on the weekends Manager On Duty on both half a day on Saturday and Sunday, in exchange, we will have a day off. To my knowledge, employees within my protected class were told not to take the time on Monday and Friday, while employees outside my protected class (White/Hispanic) were allowed to take time off on the day they chose, including Monday or Friday. I was on Manager on Duty on 4/14/2018 and 4/15/2018 and I asked to be off on 4/13/2018 Friday, my request was denied which caused me to have to take off a day in the following pay period and cause some pay loss for me. I complained to HR department afterwards for the disparate treatment, but nothing was done. On the contrary, the administrator Veronica Leal treated me worse and retaliated against me. I was written up for things that were not my fault, and</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Oct 11, 2018 Date		 Charging Party Signature	

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 460-2018-04104
Texas Workforce Commission Civil Rights Division and EEOC <small>State or local Agency, if any</small>	
<p>subsequently terminated on 7/30/2018.</p> <p>I believe that I have been discriminated and retaliated against, due to my race (Black), in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>	

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT
<div style="display: flex; justify-content: space-between;"> <div data-bbox="121 1818 321 1881"> Oct 11, 2018 <small>Date</small> </div> <div data-bbox="342 1787 776 1898">  <small>Charging Party Signature</small> </div> </div>	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please notify EEOC or the state or local agency where you filed your charge if retaliation is taken against you or others who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.